

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 30, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JORGE BALLESTEROS,

Defendant.

No. 4:22-CR-06021-SAB-1

**ORDER CONTINUING
PRETRIAL CONFERENCE AND
TRIAL DATE**

Before the Court is Defendant's Motion and Declaration to Continue Pre-Trial and Trial Dates, ECF No. 41. The motion was considered without oral argument. Defendant Jorge Ballesteros is represented by Ricardo Hernandez. The United States is represented by Caitlin Baunsgard.

Mr. Ballesteros moves to continue the above-captioned matter to provide him and his counsel additional time to review discovery. The United States does not oppose the request for a continuance. ECF No. 42. The Court finds good cause to continue the pretrial conference, trial date, and extend the pretrial motions deadline.

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ORDER CONTINUING PRETRIAL CONFERENCE AND TRIAL DATE *1

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Defendant's Motion and Declaration to Continue Pre-Trial and Trial
3 Dates, ECF No. 41, is **GRANTED**.

4 2. The current trial date of October 31, 2022 is **STRICKEN** and
5 **RESET** to **February 6, 2023**, at **9:00 a.m.**, commencing with a **final** pretrial
6 conference at **8:30 a.m.** The trial shall take place in **Richland**, Washington.

7 3. The pretrial conference on October 19, 2022 is **STRICKEN** and
8 **RESET** to **January 25, 2023**, at **11:00 a.m.** in **Yakima**, Washington. Counsel
9 shall advise the Court regarding any dispositive change in the status of this case **at**
10 **least 5 days prior to the pretrial conference**. Any motion to continue the pretrial
11 conference or trial shall be filed at the earliest practicable opportunity, but no later
12 than **seven (7) days prior to said proceeding**. Movant shall provide (1) specific
13 and detailed reasons for the continuance to permit the Court to make the necessary
14 findings; (2) if applicable, the Defendant's signed Speedy Trial Waiver; (3) the
15 position of opposing counsel; and (4) the proposed new date. Continuances are not
16 granted absent good cause.

17 4. All pretrial motions, including motions *in limine* and *Daubert*
18 motions, shall be filed on or before **January 4, 2023**.

19 5. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time between October 31,
20 2022, the current trial date, until February 6, 2023, the new trial date, is
21 **DECLARED EXCLUDABLE** for purposes of computing time under the Speedy
22 Trial Act. The Court finds that the ends of justice served by such a continuance
23 outweigh the public's and Defendant's interest in a speedy trial.

24 6. Defendant shall file a signed Speedy Trial Waiver within **seven (7)**
25 **days** of the date of this Order.

26 7. Trial briefs, proposed voir dire, jury instructions, verdict forms,
27 exhibit lists, expert witness lists, and summaries of expert testimony shall be filed
28 and served by all parties on or before seven (7) calendar days prior to trial. This

ORDER CONTINUING PRETRIAL CONFERENCE AND TRIAL DATE *2

1 does not modify the parties' discovery obligations under Fed. R. Crim. P. 16.
2 Absent an agreement between the parties or an Order from the Court, the parties'
3 Fed. R. Crim. P. 16 discovery deadlines shall be governed by Local Criminal Rule
4 16.

5 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order
6 and provide copies to counsel.

7 **DATED** this 30th day of September 2022.
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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

15 Stanley A. Bastian
16 Chief United States District Judge
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